

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

August 24, 2009

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **August 24, 2009**, at 7:01 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Supervisor, Chairman; Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlock, Council Member District No. 6; Mr. Steve C. Davis, Council Member District No. 8; Mrs. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Davis asked for approval of minutes from Public Hearings for Bills Numbered 09-23, 09-24 and 09-25, and a Regular Meeting of Council held July 27, 2009.

Council Member Call requested a correction to the Regular Meeting of Council minutes for July 27, 2009. The appointee to the Tax Assessment Review Board is Mr. Donald Bailey.

It was moved by Council Member Farley and seconded by Council Member Fish to approve the minutes as corrected. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Mr. Paul Helms, residing at 1015 Highland, Tall Pines subdivision, expressed opposition to the rezoning request by Mr. David & Joanne Wenger. The residents of Tall Pines were told that a real estate office and a counseling office would occupy the building. It was understood that there would be drug addicts and sex offenders in the counseling office. The home owners' association met with Mr. Wenger recently. The association empathizes with Mr. Wenger regarding the loss of money that was invested in the building on 101 Tall Pines Road. However,

Mr. Melton holds the mortgage on the property. Mr. Melton complained regarding his mistreatment at the meeting and the rezoning was not a dead issue. There is a school bus stop located at the entrance to Tall Pines and drug addicts and sex offenders should not be allowed in close proximity to that area. There is concern regarding the future uses for the property.

Ms. Susan Kavanaugh, residing at 209 Loblolly Drive, stated opposition regarding the counseling office to be located in Mr. Wengers' building. Mr. Melton's hostile attitude at the home owners' meeting caused concern with the residents. This is a residential neighborhood and the future commercial use of this property causes concern for the Tall Pines residents. The present zoning of R1 allows for a school or church.

Council Member Callanan inquired if Mr. Melton had stated he was representing Mr. Wenger.

Ms. Kavanaugh replied that Mr. Melton stated he was now working as Mr. Wengers' consultant.

Council Member Fish stated that there is a letter stating the Mr. Wenger has withdrawn his application for rezoning.

Council Member C. Davis replied that Mr. Wenger is on the agenda for the Planning Commission meeting in September.

Mr. David Wenger, residing in Tall Pines, is the owner of the property. Mr. Melton had assisted with the process of this rezoning. There is no intention of bringing drug derelicts to the counseling office. Mr. Melton is no longer involved in this process and does not represent Mr. Wenger in this process.

EXECUTIVE SESSION – none

THIRD READING

“BILL NO. 09-26, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #263-00-01-013.”
(Tommy Boals)

Chairman Davis stated that Bill No. 09-26 has been deferred until the September meeting.

“BILL NO. 09-27, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #252-03-08-015.”
(Bob Glover for Maggie Sass)

It was moved by Council Member Farley and seconded by Council Member S. Davis to approve Bill Number 09-27 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-08-40 is attached to these minutes.)

“BILL NO. 09-28, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #250-00-00-008.”
(Larry Windham)

It was moved by Council Member S. Davis and seconded by Council Member Schurilknight to approve Bill Number 09-28 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-08-41 is attached to these minutes.)

“BILL NO. 09-29, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #016-00-04-039.”
(Bernard and Patricia Casey)

It was moved by Council Member Pinckney and seconded by Council Member S. Davis to approve Bill Number 09-29 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-08-42 is attached to these minutes.)

“BILL NO. 09-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #103-15-01-002.”
(E.J. Meadows, Jr.)

It was moved by Council Member S. Davis and seconded by Council Member Farley to approve Bill Number 09-31 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-08-43 is attached to these minutes.)

“BILL NO. 09-32, AN ORDINANCE TO AMEND ORDINANCE NO. 09-06-31, PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010 FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member C. Davis and seconded by Council Member S. Davis to approve Bill Number 09-32 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-08-44 is attached to these minutes.)

“BILL NO. 09-37, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO FEE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND RG-MWV, LLC; AND MATTERS RELATING THERETO.”

Chairman Davis stated that Bill No. 09-37 would be held in Committee.

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

It was moved by Council Member Farley and seconded by Council Member S. Davis to approve Bills Numbered 09-33, 09-34, 09-35 and 09-36 for Second Reading by one motion as a collective group. The motion passed by unanimous voice vote of Council.

“BILL NO. 09-33, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #207-00-01-090.”
(Forsberg Engineering for GSR Jedburg, LLC)

“BILL NO. 09-34, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #015-00-03-022.”
(Henrietta Acton)

“BILL NO. 09-35, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #141-00-02-010.”
(Bonnie Jean & Jonathan Craven)

“BILL NO. 09-36, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #263-00-03-080.”
(Joseph McComb)

It was moved by Council Member Farley and seconded by Council Member Pinckney to approve Bills Numbered 09-33, 09-34, 09-35 and 09-36 for Second Reading. The motion passed by unanimous voice vote of Council.

FIRST READING

Chairman Daniel Davis stated there were two bills for First Reading. *(Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.)*

“BILL NO. 09-38, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, REGARDING THE REGULATION OF THE USE OF PUBLIC AND PRIVATE WATER DISTRIBUTION SYSTEMS.”

“BILL NO. 09-39, AN ORDINANCE AUTHORIZING THE CONVERSION OF A LEASE AGREEMENT, PURSUANT TO TITLE 4, CHAPTER 12, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, TO A FEE AGREEMENT, PURSUANT TO TITLE 12, CHAPTER 44, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, AND APPROVING THE ASSIGNMENT OF THE INTERESTS OF PIG CENTER, LLC, IN SUCH CONVERTED FEE AGREEMENT TO JL WOODE LTD, LLC, OR AN ENTITY OR ENTITIES OWNED IN WHOLE OR PART BY JL WOODE LTD, LLC, OR ONE OR MORE OF ITS PRINCIPALS AND SUBSEQUENT ASSIGNMENTS RELATED THERETO, INCLUDING THROUGH THE USE OF ONE OR MORE QUALIFIED INTERMEDIARIES; THE ENTERING INTO OF CERTAIN AGREEMENTS, INCLUDING THE AFORESAID FEE AGREEMENT; AND OTHER MATTERS RELATED THERETO.”

RESOLUTIONS

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2009-2010 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

Chairman Davis stated the resolution was not needed.

REPORTS FROM STANDING COMMITTEES

Committee on FINANCE

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight reported that the Committee on Finance met on August 10, 2009 and earlier this night. Several of the matters before the Committee have been addressed earlier on this night's agenda.

a. Moving from the State Health Plan

Chairman Schurlknight reported that Ms. Leonitta Turner, Human Resources Director, provided the Committee with information in regard to the possibility of moving from the State Health Plan. It was accepted as information only, no action was required.

b. Upgrade of Position in Council Department

On recommendation of the Committee, Chairman Schurlknight moved to approve an upgrade in a position in the Council's Department from an Administrative Clerk 4 to Administrative Specialist 3. (No second required.)

The motion passed by majority voice vote of Council. Council Members Pinckney, Schurlknight and Call voted "Nay".

(That concluded Chairman Schurlknight's report.)

Chairman Davis stated that after discussions with staff, it will be unrealistic to accomplish the move from the State Health Plan this year. A workshop has been scheduled for Monday, August 31, 2009 at 6:00 pm. in the Supervisor's conference room to discuss the information.

Council Member S. Davis stated he would not be able to attend the workshop on Monday and would like to have it rescheduled to another date so as he could participate.

Chairman Davis stated the workshop needs to be held as soon as possible and it will be rescheduled.

Committee on LAND USE
Council Member, Mr. Phillip Farley, Chairman

Chairman Farley reported that the Committee on Land Use met on August 10, 2009. Many of the matters have been addressed earlier on this night's agenda.

Recommendation for Denial:

Request by David and Joanne Wenger, 101 Tall Pines Road, Ladson, TMS #242-03-03-002, (0.52 ± acre), from R-1, Single Family Residential District, to OI, Office and Institutional District. Council District No. 5

The request by David and Joanne Wenger has been withdrawn.

(That concluded Chairman Farley's report.)

Committee on PUBLIC WORKS AND PURCHASING
Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call reported that the Committee on Public Works and Purchasing met on August 10, 2009 and earlier this night.

- a. **Town of Moncks Corner Request to Waive Warranty Period Requirements for Scarlett Oaks Court, Sterling Oaks**

On recommendation of the Committee, Chairman Call moved to approve the Town of Moncks Corner's Request to Waive Warranty Period Requirements for Scarlett Oaks Court, Sterling Oaks. (No second required.)

The motion passed by unanimous voice vote of Council.

b. Agreement with Blue Source

On recommendation of the Committee, Chairman Call moved to approve the agreement with Blue Source, LLC to create and market verified emission reductions (VERs) on behalf of Berkeley County Water and Sanitation. (No second required.)

The motion passed by unanimous voice vote of Council.

c. Sale of Landfill Gas

On recommendation of the Committee, Chairman Call moved to approve the Sale of Landfill Gas to Santee Cooper. (No second required.)

The motion passed by unanimous voice vote of Council.

d. Pimlico and Bonneau Elevated Storage Tank Painting

On recommendation of the Committee, Chairman Call moved to approve awarding the contract to paint the Pimlico and Bonneau Elevated Storage Tanks to Municipal Tank Coating and Sandblasting in the amount of \$126,500.00. (No second required.)

The motion passed by unanimous voice vote of Council.

e. Chemicals Used in the Water and Wastewater Treatment Operations

On recommendation of the Committee, Chairman Call moved to award the contract to Brenntag SE for Liquid Chloride in the amount of \$0.5550 per pound; Sulfur Dioxide in the amount of \$0.7450 per pound; Calcium Hypochlorite in the amount of \$1.2900 per pound. (No second required.)

Chairman Call stated there was a typographical error in the Recommendation to the Committee on August 10, 2009 and would like to make that correction as follows:

Award the contract to Univar USA, Inc. for Sodium Hypochlorite in the amount of \$0.7350 per gallon.

Also the contract for Liquid Caustic is awarded to Univar USA, Inc. in the amount of \$0.15 per pound.

The motion passed by unanimous voice vote of Council.

f. Medical Supplies and Medications for EMS Department

On recommendation of the Committee, Chairman Call moved to award the contract for Medical Supplies and Medications for the EMS Department to Bound Tree Medical, Lot A in the amount of \$42,271.54, Lot B to Bound Tree Medical in the amount of \$11,216.17. Lot C to Southern Anesthesia & Surgical in the amount of \$39,370.75. Lot D to Quadmed in the amount of \$17,034.00. Lot E to Kentrol Health Care, Inc. in the amount of \$18,675.21. The award of multiple contracts will expire on June 30, 2010, with the option to renew for four (4) additional years. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Call's report.)

**Committee on JUSTICE AND PUBLIC SAFETY
Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis reported that the Committee on Justice and Public Safety met on August 10, 2009.

Restructuring of Emergency Preparedness Department and Risk Management Department [Department to be renamed the Department of Emergency and Risk Management]

On recommendation of the Committee, Chairman S. Davis moved to approve the restructuring of the Emergency Preparedness Department and Risk Management Department to be known as the Emergency and Risk Management Department. (No second required.)

Ms. Nicole Scott Ewing, County Attorney, stated for clarification, that information was presented to Council for information only and the name change was not presented to Council. The name will remain the EPD.

Chairman Daniel Davis agreed the name would remain the same.

Chairman Steve Davis withdrew his recommendation.

(That concluded Chairman Steve Davis' report.)

**Committee on WATER AND SANITATION
Council Member, Mr. Timothy J. Callanan, Chairman**

Chairman Callanan reported that the Committee on Water and Sanitation met on August 10, 2009 and all matters before the Committee have been addressed earlier on this night's agenda.

(That concluded Chairman Callanan's report.)

Committee on PLANNING AND DEVELOPMENT
Council Member, Mrs. Cathy S. Davis, Chairman

No report.

Committee on COMMUNITY SERVICES
Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney reported that the Committee on Community Services met on August 10, 2009 and earlier this night.

a. Approval of Grant Application for Program to Provide Rental Assistance Funds to Families and Individuals in Berkeley County Who are Homeless or At Risk of Becoming Homeless

On recommendation of the Committee, Chairman Pinckney moved to approve a grant application for a program with Family Services, Inc. to provide rental assistance funds to families and individuals in Berkeley County who are homeless or at risk of becoming homeless. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Pinckney's report.)

Committee on HUMAN SERVICES
Council Member, Mr. Dennis L. Fish, Chairman

No report.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Council Member Callanan nominated Mr. Blake Easterling for appointment to the Board of Zoning Appeals.

It was moved by Council Member Callanan and seconded by Council Member Farley to approve the nomination to the Board of Zoning Appeals. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS

Council Member Call welcomed Ms. Leslie Thrasher, Constituent Services, from Senator Lindsey O. Graham's office.

ANNOUNCEMENTS

The **September 2009 Regular Meeting of Berkeley County Council** will be held on **Monday, September 28, 2009**, immediately following Public Hearings and other Committee Meetings at **6:00 p.m.**, in the **Assembly Room** of the **Berkeley County Administration Building**, 1003 Highway 52, Moncks Corner, South Carolina.

ADJOURNMENT

It was moved by Council Member Steve Davis and seconded by Council Member Callanan to **adjourn** the Regular Meeting of County Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 7:31 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION - Not needed.

Barbara B. Austin, CCC
Clerk of Council

September 28, 2009
Date Approved

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY AUGUST 24, 2009**, following Public Hearings and the meetings of the Committees on Finance, Community Services and Public Works and Purchasing at 6:00 p.m., in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

**Public Hearings: Bills Numbered:
09-23, 09-24 and 09-25
Regular Council Meeting**

**July 27, 2009
July 27, 2009**

PUBLIC DISCUSSION - Requests to be heard must be made prior to call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. Bill No. 09-26, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Tommy Boals, 1134 Clements Ferry Road, Wando, TMS #263-00-01-013 (31.86 acres) from F-1, Agricultural District to PD-MU, Planned Development Mixed Use District. Council District No. 8.
[Recommended by Committee on Land Use]

2. Bill No. 09-27, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Bob Glover for Maggie Sass, 1055 Old Back River Road, Goose Creek, Portion of TMS #252-03-08-015 (0.77 acres) from R-1, Single Family Residential District to RNC, Rural and Neighborhood Commercial. Council District No. 3.
[Recommended by Committee on Land Use]

3. **Bill No. 09-28**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Larry Windham**, located at intersection of Hoover and United Drive, Huger, **TMS #250-00-00-008** (7.0 acres) **from R-2, Manufactured Residential District to Flex-1, Agricultural District**. Council District No. 8.

[Recommended by Committee on Land Use]

4. **Bill No. 09-29**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bernard and Patricia Casey**, 4812 N. Highway 52, St. Stephen, **TMS #016-00-04-039** (2.09 acres) **from GC, General Commercial District to RNC, Rural & Neighborhood Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

5. **Bill No. 09-31**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **E. J. Meadows, Jr.**, 1349 North Highway 52, **TMS #103-15-01-002**, (.73 acres) **from F-1, Agriculture District to PD-MU, Planned Development Mixed Use District**. Council District No. 8.

[Recommended by Committee on Land Use]

6. **Bill No. 09-32**, an **ordinance** to amend Ordinance No. 09-06-31 providing for the fiscal year beginning **July 1, 2009, and ending June 30, 2010**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

7. **Bill No. 09-37**, an **ordinance** authorizing the execution and delivery of a second amendment to fee agreement between Berkeley County, South Carolina and **RG-MWV, LLC**; and matters relating thereto.

[Recommended by Committee on Finance]

SECOND READING:

1. **Bill No. 09-33**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Forsberg Engineering** for GSR Jedburg LLC, located at the intersection of Jedburg Road & Drop Off Drive, Summerville, **TMS #207-00-01-090** (31.44 acres), **from LI, Light Industrial District to PDRC, Planned Development Regional Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

2. **Bill No. 09-34**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Henrietta Acton**, 2087 Highway 45, Pineville, portion of **TMS #015-00-03-022** (3.3 acres) **from RNC, Rural and Neighborhood Commercial District to F-1, Agricultural District**. Council District No. 7.

[Recommended by Committee on Land Use]

3. **Bill No. 09-35**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bonnie Jean & Jonathan Craven**, 209 Eden Lane, Moncks Corner, **TMS #141-00-02-010** (12.05 acres) **from PDMU, Planned Development Mixed Use District to F-1, Agricultural District**. Council District No. 6.

[Recommended by Committee on Land Use]

4. **Bill No. 09-36**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Joseph McComb** for the Headless Pelican, 1006 Fogarty Lane, Wando, **TMS #263-00-03-080** (0.69 acres) **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 2.

[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 09-38**, an **ordinance** to amend the Code of Ordinances, Berkeley County, South Carolina, regarding the **regulation of the use of public and private water distribution systems**.

[Recommended by Committee on Water and Sanitation]

2. **Bill No. 09-39**, an **ordinance** authorizing the conversion of a lease agreement pursuant to Title 4, Chapter 12 of the Code of Laws of South Carolina, 1976, as amended, to a Fee Agreement pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended, and approving the assignment of the interests of **Pig Center, LLC**, in such converted fee agreement to **JL WOODE LTD., LLC** or an entity or entities owned in whole or part by **JL WOODE LTD., LLC** or one or more of its principals and subsequent assignments related thereto, including through the use of one or more qualified intermediaries; the entering into of certain agreements including the aforesaid fee agreement; and others matters related thereto.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. **RESOLUTION** providing for the **Transfer of Funds** in the **2009-2010 Berkeley County Budget** for County purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Council Member, Mr. Jack H. Schurlknight, Chairman.
 - a. Moving from the State Health Plan.
 - b. Upgrade of position in Council Department.

2. **Committee on Land Use.**
Council Member, Mr. Phillip Farley, Chairman.
 - a. **Recommendation for denial of Request by David and Joanne Wenger, 101 Tall Pines Road, Ladson, TMS #242-03-03-002 (0.52+/- acres), from R1, Single Family Residential District to OI, Office and Institutional District.** Council District No. 5.
3. **Committee on Public Works and Purchasing.**
Council Member, Mr. Robert O. Call, Jr., Chairman.
 - a. Town of Moncks Corner request to waive warranty period requirements for Scarlett Oaks Court, Sterling Oaks.
 - b. Agreement with Blue Source.
 - c. Sale of Landfill Gas.
 - d. Pimlico and Bonneau Elevated Storage Tank Painting.
 - e. Chemicals used in the Water and Wastewater Treatment Operations.
 - f. Medical Supplies and Medications for EMS Department.
4. **Committee on Justice and Public Safety.**
Council Member, Mr. Steve C. Davis, Chairman.
 - a. Restructuring of the Emergency Preparedness Department and Risk Management Department. (Department to be renamed The Department of Emergency and Risk Management).
5. **Committee on Water and Sanitation.**
Council Member, Mr. Timothy J. Callanan, Chairman.
6. **Committee on Planning and Development.**
Council Member, Mrs. Cathy S. Davis, Chairman.
7. **Committee on Community Services.**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman.
 - a. Approval of grant application for program to provide rental assistance funds to families and individuals in Berkeley County who are homeless or at risk of becoming homeless.
 - b. Approval of grant application for funding to support the Homeless Management Information System.
8. **Committee on Human Services.**
Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

DEVON FOREST SPECIAL TAX DISTRICT

LIBRARY BOARD
MENTAL HEALTH BOARD
SANGAREE SPECIAL TAX DISTRICT
SPECIAL FIRE TAX DISTRICT ADVISORY COMMISSION
TALL PINES SPECIAL TAX DISTRICT
TAX ASSESSMENT REVIEW BOARD
ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE SEPTEMBER 2009, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY SEPTEMBER 28, 2009, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND OTHER COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

August 19, 2009
S/Barbara B. Austin, CCC
Clerk of County Council